

REMARKS

Applicants respectfully submit herewith replacement copies of the Sequence Listing (COPY 1 and COPY 2) that conform to 37 CFR §§ 1.821-1.825 and the Sequence Listing in computer readable form (COPY), all on compact disc, accompanied by a Statement to Support Filing and Submission in Accordance with 37 CFR §§ 1.821-1.825. The enclosed sequence listing was run through the Checker Program and no errors were found. The specification has been amended adding the required paragraph for submission of Sequence Listings only on compact disc. The correction requested on page 2 of the Raw Sequence Listing Error Report attached with the Notification finds support in the specification at page 67. No new matter has been added. Entry of this Sequence Listing into the application is respectfully requested.

In the Notification of Missing Requirements, additional fees for 36 total claims over 20, for 343 pages in excess of 150 pages, and a surcharge fee for late submission of fees were requested. Applicants respectfully disagree and submit that no additional fees are required with this response for the following reasons.

In the Transmittal Letter and Fee Transmittal submitted with the initial filing of this application on July 8, 2005, authorization to charge \$1800 for the 36 additional claims over 20 was given, as evidenced by the attached copies of Transmittal Letter, Fee Transmittal and return postcard. Therefore, further additional fees for claims are not believed to be required.

With this response, Applicants have deleted the paper copy of the previously submitted sequence listing and replaced it with copies on CD only. Pursuant to 37 CFR § 1.492 (j) and § 1.52 (f), because the sequence listing submitted herewith in electronic medium is believed to be in compliance with §§ 1.52 (e) and 1.821 (c) or (e), the sequence listing is excluded when determining size fee. Only the size fee for 150 pages, as paid at filing, is believed correct. Therefore, no additional application size fee is believed due.

In summary, because Applicants have submitted the required sequence listing in compliance with 37 CFR §§ 1.821-1.825 on compact disc only, and because the correct claim

fees were submitted at filing, no additional claim fees, size fees, or surcharge fee are believed due.

The Notification of Missing Requirements stated that a surcharge of \$130.00 was due. It is not clear from the Notification whether this surcharge is being attributed to late filing of the claim fees, size fees, or declaration. In an abundance of caution, Applicants enclose herewith papers filed on September 6, 2005 transmitting the executed declaration and authorizing payment of the \$130 surcharge for late submission of the declaration. Thus, no additional fee for submission of the declaration is now due.

For these reasons, Applicants believe that no further fees are now due. However, if the Patent Office disagrees, then authorization is hereby given to charge such fees as are required in order to complete the requirements for acceptance under 35 USC 371 to Deposit Account No. 03-2775, under Order No. 13311-00009-US. If the Patent Office still requires payment of some or all of these fees, however, it is respectfully submitted that the surcharge for late submission (\$130) is not proper. The Transmittal Letter and Fee Transmittal submitted with the initial filing of this application already provided authorization to the Director to charge any additional fees which may be required and credit any overpayments to our Deposit Account. Therefore, even if additional claim or size fees were due at filing, these fees should have been charged to Applicants' deposit account at filing so that no surcharge would be due today for late submission of filing fees.

Applicants are submitting their response herewith within the two-month response period set to expire on May 24, 2006. Applicants believe that no fees are due for the submission of this paper. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper

Application No. 10/541,750
Amendment dated May 23, 2006
Reply to Notification of Missing Requirements of March 24, 2006

Docket No.: 13311-00009-US

hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13311-00009-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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